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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.        | CONFIRMATION NO.       |
|---|-------------|----------------------|----------------------------|------------------------|
| 10/619,128  | 07/14/2003  | Mark N. Wain         | 03797.00611                | 6895                   |
| 28319 7590 05/15/2007<br>BANNER & WITCOFF, LTD.<br>ATTORNEYS FOR CLIENT NOS. 003797 & 013797<br>1100 13th STREET, N.W.<br>SUITE 1200<br>WASHINGTON, DC 20005-4051 |             |                      | EXAMINER<br>CHOU, ANDREW Y |                        |
|   |             |                      | ART UNIT<br>2192           | PAPER NUMBER           |
|   |             |                      | MAIL DATE<br>05/15/2007    | DELIVERY MODE<br>PAPER |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

## Interview Summary

Application No.

10/619,128

Applicant(s)

WAIN ET AL.

Examiner

Andrew Y. Chou

Art Unit

2192

All participants (applicant, applicant's representative, PTO personnel):

(1) Andrew Y. Chou.

(3) Ken Smolik Attorney No 44344.

(2) Tuan Dam.

(4) \_\_\_\_\_.

Date of Interview: 05 May 2007.

Type: a) ☒ Telephonic b) ☐ Video Conference  
c) ☐ Personal [copy given to: 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☐ No.  
If Yes, brief description: \_\_\_\_\_.

Claim(s) discussed: 34-37.

Identification of prior art discussed: No.

Agreement with respect to the claims f) ☐ was reached. g) ☒ was not reached. h) ☐ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: The telephone interview was requested to discuss the 101 rejections of claims 34-37. No general consensus or agreement was established for the 101 rejections of claims 34-37. It was pointed out that the proposed claim amendment was still "data structure per se"- MPEP 2601.01(II).

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN A NON-EXTENDABLE PERIOD OF THE LONGER OF ONE MONTH OR THIRTY DAYS FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

  
TUAN DAM  
SUPERVISORY PATENT EXAMINER

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

\_\_\_\_\_  
Examiner's signature, if required



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**FACSIMILE TRANSMITTAL SHEET**

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**TO: CHOU, ANDREW Y****FROM:**

Kenneth F. Smolik

**COMPANY:****DATE:**

U.S. PATENT OFFICE

April 27, 2007

**FAX NUMBER:****TOTAL NO. OF PAGES:****(571) 273-6829**

1, including cover page

**RE: APPLICATION 10/619,128****OUR REFERENCE NO.:****003797.00611**

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*If you do not receive all page(s) or have any problems receiving this transmission, please call:*

**NAME: Ken Smolik****PHONE: 312.463.5419**

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EXAMINER CHOU.

AS WE DISCUSSED ON THE TELEPHONE, I AM REQUESTING A TELEPHONIC INTERVIEW. THE PROPOSED AGENDA IS TO DISCUSS THE 101 REJECTIONS OF CLAIMS 34-37. I PROPOSE THAT WE SCHEDULE THE TELEPHONIC INTERVIEW TUESDAY AT 3:00 EASTERN TIME, ALTHOUGH ANY TIME ON TUESDAY OR WEDNESDAY IS OK WITH ME.

I BELIEVE THAT CLAIMS 34-37 ARE STATUTORY IN ACCORDANCE WITH MPEP 2106.0 (I), WHICH STATES, "IN CONTRAST, A CLAIMED COMPUTER-READABLE MEDIUM ENCODED WITH A DATA STRUCTURE DEFINES STRUCTURAL AND FUNCTIONAL INTERRELATIONSHIPS BETWEEN THE DATA STRUCTURE AND THE COMPUTER SOFTWARE AND HARDWARE COMPONENTS WHICH PERMIT THE DATA STRUCTURE'S FUNCTIONALITY TO BE REALIZED, AND IS THUS STATUTORY." FOR EXAMPLE, CLAIM 34 IS DIRECTED TO "A PHYSICAL COMPUTER-READABLE MEDIUM HAVING STORED THEREON A DATA STRUCTURE."

KEN SMOLIK  
44.344

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